

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

SEPTEMBER 21, 2006

The Marlboro Township Council held its regularly scheduled meeting on September 21, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli (9:30PM).

Also present were: Mayor Robert Kleinberg (8:45PM), Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of July 25, 2006 be approved. This motion was seconded by Councilman Rosenthal and the minutes were passed on a roll call vote of 5 - 0 in favor.

Councilman Pernice moved that the minutes of August 10, 2006 be approved. This motion was seconded by Councilman Rosenthal and the minutes were passed on a roll call vote of 4 - 0 in favor with Council Vice President Cantor abstaining.

Council Vice President Cantor opened the Public Hearing on Ordinance # 2006-28 (Requiring Background Check for First Aid Members). As there was no one who wished to speak, the Public Hearing was closed. Township Attorney suggested an amendment to the ordinance which he deemed not substantial, after which following Res. #2006-340/Ord. #2006-28 (Requiring Background Check for First Aid Members) as amended was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-340

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-28 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11  
"EMERGENCY SERVICE BENEFITS" TO INCLUDE A NEW ARTICLE  
REQUIRING THE DISCLOSURE OF INFORMATION REGARDING  
APPLICANTS FOR MEMBERSHIP IN A VOLUNTEER FIRST AID SQUAD  
WITHIN THE TOWNSHIP OF MARLBORO

which was introduced on September 7, 2006, public hearing held September 21<sup>st</sup> be adopted on second and final reading this 21<sup>st</sup> day of September, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2006-28 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11  
"EMERGENCY SERVICE BENEFITS" TO INCLUDE A NEW ARTICLE  
REQUIRING THE DISCLOSURE OF INFORMATION REGARDING  
APPLICANTS FOR MEMBERSHIP IN A VOLUNTEER FIRST AID SQUAD  
WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Volunteer First Aid Squads within the Township of Marlboro, Monmouth County, New Jersey accept for membership those persons meeting certain criteria; and

WHEREAS, persons convicted of certain crimes are not eligible for membership in a Volunteer First Aid Squad; and

WHEREAS, in the course of performing their duties, Volunteer Paramedics, Emergency Medical Technicians and First Responders have access to homes and businesses;

WHEREAS, the Volunteer First Aid Squads need to have access to state criminal history records from the Division of State Police/State Bureau of Identification in order to properly evaluate applicants for membership; and

WHEREAS, N.J.A.C. 13:59-1.1, et seq. authorizes a municipal first aid squad to obtain criminal background checks for its volunteer members and there is no processing fee associated with those checks.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that the title of Chapter 11 "Emergency Service Benefits" of the Code of the Township of Marlboro is hereby changed to Chapter 11 "Emergency Service Benefits; Disclosure of Information by Volunteers"; and

BE IT FURTHER ORDAINED, that Sections 11-1 through 11-7 of Chapter 11 "Emergency Service Benefits; Disclosure of Information by Volunteers" are hereby recodified under Article I "Emergency Service Benefits"; and

BE IT FURTHER ORDAINED, that a new Article II "Disclosure of Information by Applicant for Membership in Volunteer First Aid Squad" is hereby adopted and shall read in its entirety as follows:

"§ 11-8 Disclosure of Information by Applicant for Membership in Volunteer First Aid Squad

A. This section is enacted pursuant to N.J.S.A. 40:42-1, et seq., which directs municipalities to act for the health, welfare and safety of its citizens and N.J.A.C. 13:59-1.1, et seq.

B. Membership in a Volunteer First Aid Squad means membership as a Paramedic, Emergency Medical Technician or First Responder in the Marlboro First Aid Squad or Morganville First Aid Squad.

C. Any person desiring Membership in a Volunteer First Aid Squad must complete in duplicate, filing the same with the Volunteer First Aid Squad, a form which may be prescribed by the Volunteer First Aid Squad, but which shall contain the following information about the applicant:

1. Name;
2. Home Address;
3. Birth Date;
4. Social Security Number;
5. Driver's License Number;
6. A signed statement certifying as to whether the individual has been convicted of any of the following crimes and offenses:

i. In New Jersey, any crime or disorderly persons offense,

a. involving danger to the person, meaning those crimes and disorderly offenses set forth in N.J.S.A. 2C:11-1, *et seq.*; N.J.S.A. 2C:12-1, *et seq.*, N.J.S.A. 2C:13-1, *et seq.*; N.J.S.A. 2C:14-1, *et seq.* or N.J.S.A. 2C:15-1, *et seq.*;

b. against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1, *et seq.*;

c. involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or

d. involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except paragraph (4) of subsection a. of N.J.S.A. 2C:35-10; or

ii. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection C.6.i of this Section."

D. Following the filing of such application, the Volunteer First Aid Squad shall transmit one of the applications to the Chief of Police, or his/her designee, of the Township of Marlboro who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he/she deems necessary for the protection of the public good. If, as a result of such investigation, the applicant is found to have been convicted of violation of any crime or offense set forth in subsection C.6.i or C.6.ii or any other information is discovered that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police, or his/her designee, shall report such information and the particulars thereof

to the Volunteer Fire Aid Squad, and said applicant shall not be eligible for membership in any of the Volunteer First Aid Squads identified in subsection B of this section.

E. In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police, or his/her designee, is authorized to submit the applicant's fingerprint card and receive criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this Section.

F. This Section is intended to make the Volunteer First Aid an Authorized Agency as defined by N.J.A.C. 13:59-1.1.

G. The above investigation by the Chief of Police, or his/her designee, shall be completed within 60 days of receipt of the application and the fingerprinting of applicant."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Council Vice President Cantor opened the Public Hearing on Ordinance # 2006-29 (Amending Fees Recreation Programs). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-341/Ord. #2006-29 (Amending Fees Recreation Programs) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2006-341

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

#### ORDINANCE # 2006-29

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117  
"RECREATIONAL FACILITIES" OF THE CODE  
OF THE TOWNSHIP OF MARLBORO

which was introduced on September 7, 2006, public hearing held September 21<sup>st</sup> be adopted on second and final reading this 21<sup>st</sup> day of September, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. #2006-342/Ord. #2006-30 (Zone Change Bluh & Batelli) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor. Andy Bayer, Esq. explained that this zone change was a litigation settlement regarding the township's affordable housing plan.

RESOLUTION # 2006-342

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-30

AN ORDINANCE REPEALING ORDINANCE #2000-03 AND ORDINANCE #2000-04 AND ADDING A NEW SECTION 84-48.6 "MFD-III MULTIFAMILY DISTRICT", ARTICLE III "ZONING: STANDARDS AND REGULATIONS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 19, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-30

AN ORDINANCE REPEALING ORDINANCE #2000-03 AND ORDINANCE #2000-04 AND ADDING A NEW SECTION 84-48.6 "MFD-III

MULTIFAMILY DISTRICT", ARTICLE III "ZONING: STANDARDS AND  
REGULATIONS", CHAPTER 84 "LAND USE DEVELOPMENT AND  
REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Alfred Bluh and Joseph Batelli ("Bluh and Batelli") are the owners of approximately 76.6 acres of land located in the Township of Marlboro and identified as Block 150, Lots 2, 3, 4 and 9; Block 151, Lot 4; Block 148, Lot 31 and Block 149, Lot 16 on the official tax maps of the Township (collectively, the "Property"); and

WHEREAS, the Township included Bluh and Batelli Property in its First Round Affordable Housing Plan and subsequently deleted the Property from the Township's Affordable Housing Plan; and

WHEREAS, as a result of the Township's deletion of the Property from its Affordable Housing Plan, Bluh and Batelli initiated a lawsuit entitled Bluh and Batelli v. the Township of Marlboro, Superior Court of New Jersey, Law Division, Docket Nos. MON-L-2193-01 and MON-L-63-04, and Bluh and Batelli filed an objection to the Township's Amended Second Round Affordable Housing Plan and its Third Round Affordable Housing Plan with the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, COAH advised the Township that if it did not reach a mediated settlement with Bluh and Batelli and include the Property in the Township's Affordable Housing Plan, COAH would not retain jurisdiction over Marlboro's Affordable Housing Plan; and

WHEREAS, the Township and Bluh and Batelli engaged in substantial settlement discussions which resulted in the Township adopting Resolution # 2006-195 authorizing the Township to enter into a Settlement Agreement which resolved the pending litigation and Bluh and Batelli's objection to the Township's Affordable Housing Plan; and

WHEREAS, pursuant to the August 7, 2006 Settlement Agreement between the Township and Bluh and Batelli, (the "Settlement Agreement"), the Township is obligated to introduce an ordinance allowing the Property to be developed for 200 single family, age restricted, non-income restricted residential units and 50 multi-family, non-age restricted, low and moderate income residential rental units; and

WHEREAS, the Settlement Agreement also requires the Township to repeal Ordinances #2000-03 and Ordinances #2000-04 which previously zoned the Property, but were never implemented.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Ordinance #2000-03 and Ordinance #2000-04 be and hereby are repealed in their entirety; and

BE IT FURTHER RESOLVED that a new section be added to Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro entitled Section 84-48.6 "MFD-III Multifamily District" to read in its entirety as follows:

"§ 84-48.6           MFD-III Multifamily District

The following regulations shall apply in the MFD-III Multifamily District:

- A. Project requirements. For any parcel to be developed in the MFD-III District, the same regulations and provisions as set forth in §84-48.2 (MFD-II) shall apply except as same are modified by the provisions herein.
- B. Buffer and landscaping. All areas of a development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a development's boundary line abuts a lot which lies in another zone and the abutting lot is not owned by the developer, the lot being developed shall contain a natural buffer within the area of fifteen (15) feet inside the boundary line of the development that abuts the lot lying in another zone such that there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other plantings, except that weeds, poison ivy and the like shall be excepted. If no adequate trees, shrubs or plantings exist in the said fifteen (15) foot area in the natural state of the premise before the development, the area shall be provided with an adequate, approved planting plan with the goal of providing a belt of screening within the fifteen (15) foot area in accordance with §84-63.
- C. Permitted uses. Permitted uses shall be as follows:
  - 1. Detached single-family homes.
  - 2. Attached single-family duplex units, Zero-lot-line residential units and townhouse residential units.
  - 3. Multi-family residential tenanted buildings.
  - 4. Uses permitted under §84-48B of this chapter (clustered townhomes, garden apartments and estate homes).
- D. Lot, bulk and setback requirements. Lot, bulk and setback



requirements shall be as follows:

1. For detached single-family homes.

- a. Density. No more than six (6) units shall be permitted per gross acre;
- b. Minimum lot size. The minimum lot size shall be 7,150 square feet;
- c. Setbacks.

- 1. Front yard. The minimum front yard setback shall be twenty (20) feet.

- 2. Side yard. The minimum side yard setback shall be five (5) feet, the minimum total for two (2) side yards is ten (10) feet. [By example: a lot may have a five- and ten-foot side yard-, or a seven and eight-foot side yard totaling fifteen (15) feet.]

- 3. Rear yard. The minimum rear yard setback shall be twenty (20) feet.

- d. Lot width. The minimum lot width shall be sixty-five (65) feet which shall be measured from the front setback line of the home.
- e. Lot depth. The minimum lot depth shall be one hundred (100) feet.
- f. Lot coverage. The maximum lot coverage shall be fifty-five percent (55%).
- g. Height. The maximum height shall be thirty-five (35) feet or two and one-half (2 1/2) stories.

2. For attached single-family duplex units and town house units.

- a. Density. No more than six (6) units shall be permitted per gross acre.

- b. Minimum lot size. The minimum lot size shall be four thousand (4,000) square feet.

- c. Setbacks.

- 1. Front yard. The minimum front yard setback shall be twenty (20) feet.

- 2. Side yard. The minimum side yard setback shall be zero (0) feet (Interior Lots); the minimum total for two (2) side yards is thirty (30) feet.

- 3. Rear yard. The minimum rear yard setback shall be fifteen (15) feet.

- d. Lot width. The minimum lot width shall be thirty-five (35) feet which shall be measured from the front setback line of the home.

- e. Lot depth. The minimum lot depth shall be one hundred ten (110) feet.
- f. Lot coverage. The maximum lot coverage shall be seventy percent (70%).
- g. Height. The maximum height shall be thirty-five (35) feet or two and one-half (2 1/2) stories.

3. For Multi-Family Tenanted Building.

- a. Density. No more than fifteen (15) units shall be permitted per gross acre.
- b. Minimum lot size. The minimum lot size shall be Two (2) Acres.
- c. Occupancy. No more than 25 families shall occupy each building.
- d. Setbacks.
  - 1. Front yard. The minimum front yard setback shall be ten (10) feet.
  - 2. Side yard. The minimum side yard setback shall be ten (10) feet, the minimum for two side is thirty (30) feet;
  - 3. Rear yard. The minimum rear yard setback shall be ten (10) feet.
- e. Lot width. The minimum lot width shall be one hundred and twenty-five (125) feet; Minimum lot size. The minimum lot size shall be Two (2) Acres.
- f. Lot depth. The minimum lot depth shall be one hundred and twenty-five (125) feet;
- g. Lot coverage. The maximum lot coverage shall be eighty percent (80%);
- h. Height. The maximum height shall be thirty-five (35) feet as defined in Section 84-4 of the Marlboro Land Use Ordinance and a maximum of three (3) stories.

E. Affirmative devices requirements. All the requirements contained in §84-48A of this chapter shall apply in the MFD-III Zone, except that the set-aside for affordable units shall be provided as follows:

- 1. Development of the MFD-III Zone must presumptively provide for fifty (50) units of housing affordable to low and moderate-income households as defined by the United States Department of Housing and Urban Development.

F. Permitted accessory uses. All those uses contained in §84-48C (MFD) of this chapter shall apply in the MFD-III Zone."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged

by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. #2006-343/Ord. #2006-31 (Amend Chapter 84 - Lot Coverage - Pools) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-343

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-31

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS," ARTICLE III, "ZONING STANDARDS AND REGULATIONS," SECTION 84-36, "PRIVATE SWIMMING, WADING AND PORTABLE POOLS"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 5, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-31

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS," ARTICLE III, "ZONING STANDARDS AND REGULATIONS," SECTION 84-36, "PRIVATE SWIMMING, WADING AND PORTABLE POOLS"

WHEREAS, the Township Council of the Township of Marlboro desires to update Chapter 84, "Land Use Development and Regulations," Article III, "Zoning Standards and Regulations,"

Section 84-36, "Private Swimming, wading and portable pools" to establish drainage requirements for certain swimming pools erected within the Township of Marlboro; and

WHEREAS, it is the finding of the Township Council that numerous applications have been made to the Township to erect swimming pools pursuant to the Township's swimming pool ordinance; and

WHEREAS, as a result, an increased concern has arisen regarding the impact of swimming pools on the drainage system of a property. In particular, the Township finds that residents are installing expansive swimming pools that may result in increased stormwater runoff and backwash to surrounding properties; and

WHEREAS, to prevent future swimming pools erected within the Township from causing increased stormwater runoff to surrounding properties, the Township Council has established the additional swimming pool regulations contained herein.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth State of New Jersey that a new subsection B(4) "Drainage Requirements" be and hereby is established under Section 84-36 "Private swimming, wading and portable pools" to read in its entirety as follows:

"(4) Drainage Requirements. The construction of all commercial, private, public and wading swimming pools, as defined in this chapter, able to hold a volume of water equal to or greater than 35,000 gallons shall hereby require a drainage system which meets the following requirements:

- (a) Filtration backwash water shall be discharged to a dry well or other on-site stormwater management system approved by the Township Engineer.
- (b) All stormwater runoff associated with the pool shall be collected within a dry well or other on-site stormwater management system approved by the Township Engineer."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or

provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage, publication and approval in accordance with applicable law.

The following Res. #2006-344 (Advising and Confirming Appointment Library Board - Gail Gnesin) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-344

RESOLUTION APPOINTING MEMBER OF THE BOARD OF TRUSTEES OF THE  
MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to appoint GAIL GNESIN to fill the unexpired term of Reva Sklarin, such term to expire Dec. 31, 2009.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of GAIL GNESIN.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appointment of GAIL GNESIN as a member of the Board of Trustees of the Marlboro Free Public Library without compensation is hereby confirmed.

BE AND IT IS FURTHER RESOLVED, that this appointment is made pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code.

The following Res. #2006-345 (Selecting Community Investment Strategies, Inc. As Developer for Municipally Sponsored Affordable Housing Project) was introduced by reference,

offered by Councilman Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-345

RESOLUTION SELECTING COMMUNITY INVESTMENT STRATEGIES, INC.  
AS THE DEVELOPER FOR THE MUNICIPALLY SPONSORED  
AFFORDABLE HOUSING PROJECT

WHEREAS, pursuant to Resolution #2005-481, the Township Council of the Township of Marlboro endorsed a Housing Plan Element and Fair Share Plan in furtherance of satisfying the Township's third round affordable housing obligation (collectively referred to as the "Affordable Housing Plan") and authorized the submission of a petition for substantive certification to the Council on Affordable Housing ("COAH"); and

WHEREAS within the Affordable Housing Plan there is a component known as the Municipally Sponsored Project which is a proposed development of 110 affordable rental units (52 family units and 58 age-restricted units) to be constructed on Block 147, Lots 5 and 6;

WHEREAS, on December 20, 2005, the Township of Marlboro submitted its petition for substantive certification to COAH which included as a component of the Affordable Housing Plan the Municipally Sponsored Project;

WHEREAS the Township solicited proposals from affordable housing developers and in fact received proposals to construct the Municipally Sponsored Project from Homes For All, Inc. and Community Investment Strategies, Inc. ("CIS"); and

WHEREAS the Mayor and Township Council reviewed the qualifications of the proposers and then interviewed the affordable housing developers;

WHEREAS the Mayor and Council believe that CIS is the most qualified proposer and that it will build and operate the most effective Municipally Sponsored Project; and

WHEREAS THE Mayor and Township Council seek to implement the Township's third round affordable housing obligation so it will satisfy its constitutional obligation to provide affordable housing within Marlboro Township;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that CIS is hereby selected as

the entity which will construct and operate the Municipally Sponsored Project and the Township Administration is hereby directed to negotiate and draft all required documents to implement the Municipally Sponsored Affordable Housing Project between the Township of Marlboro and CIS; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

- a. Community Investment Strategies, Inc.
- b. Jennifer C. Beahm, Township, P.P., AICP
- c. Township Business Administrator
- d. Gluck Walrath LLP
- e. Council on Affordable Housing
- f.

Councilman Rosenthal recused himself and left the room. The following Res. #2006-346 (Bond Release Windsor Estates - Soil Removal) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2006-346

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
BOND POSTED FOR THE WINDSOR ESTATES SOIL REMOVAL

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Kara of Monmouth, LLC for the release of the Performance Bond being held by the Township with respect to Windsor Estates soil removal project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 25, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original and current amount of \$15,000.00 posted for the Windsor Estates soil removal project shall be released in its entirety; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Kara of Monmouth, LLC
- b. Greenwich Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. #2006-347 (Bond Release Windsor Estates - B.392, L.28 - Molly Pitcher Drive) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2006-347

A RESOLUTION AUTHORIZING THE RELEASE  
OF THE PERFORMANCE BOND AND CASH BOND  
GUARANTEEING SITE IMPROVEMENTS FOR  
392, LOT 28, MOLLY PITCHER DRIVE

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Kara of Monmouth, LLC for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for Block 392, Lot 28, Molly Pitcher Drive; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 21, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the



posting of a Maintenance Bond in the amount of \$65,870.00;  
and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$474,263.96 and the current amount of \$194,371.00 and the Cash Bond in the original amount of \$52,696.00 and current amount of \$21,597.00 posted for the site improvements to Block 392, Lot 28, Molly Pitcher Drive shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$65,870.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Kara of Monmouth, LLC
- b. Greenwich Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. #2006-348 (Bond Release Concord Estates) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 1 in favor with Council Vice President Cantor voting no.

RESOLUTION # 2006-348

A RESOLUTION AUTHORIZING THE RELEASE OF THE  
PERFORMANCE BOND AND CASH BOND GUARANTEEING SITE  
IMPROVEMENTS FOR THE CONCORD ESTATES SUBDIVISION, BLOCK  
101, LOTS 6 AND 17, TICETOWN AND GREENWOOD ROADS

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by K. Hovnanian at Marlboro VII, LLC, for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for the Concord Estates Subdivision, Block 101, Lots 6 and 17, Ticetown and Greenwood Roads; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 15, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$173,441.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$1,248,773.00 and the current amount of \$577,955.35 and the Cash Bond in the original amount of \$138,752.56 and current amount of \$64,217.26 posted for the site improvements to the Lafayette Estates Subdivision, Block 415, Lot 17 - 21, Route 79 and Buckley Road be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$173,441.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. K. Hovnanian at Marlboro VII, LLC
- b. Fireman's Fund Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. #2006-349 (Bond Release Lafayette Estates) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-349

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS FOR THE LAFAYETTE ESTATES SUBDIVISION, BLOCK 415, LOT 17 - 21 AND BLOCK 416, LOT 3, ROUTE 79 AND BUCKLEY ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by K. Hovnanian at Lafayette Estates LLC, for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for the Lafayette Estates Subdivision, Block 415, Lot 17 - 21 and Block 416, Lot 3, Route 79 and Buckley Road; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 15, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$224,565.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$1,616,870.96 and the current amount of \$519,056.84 and the Cash Bond in the original amount of \$179,652.33 and current amount of \$57,672.98 posted for the site improvements to the Lafayette Estates Subdivision, Block 415, Lot 17 - 21 and Block 416, Lot 3, Route 79 and Buckley Road be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all outstanding invoices and fees up to the date of the release

and the posting of a Maintenance Bond in the amount of \$224,565.00;  
and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. K. Hovnanian at Lafayette Estates LLC
- b. Fireman's Fund Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. #2006-350 (Bond Release Beacon Woods Estates) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 1 in favor with Council Vice President Cantor voting no.

RESOLUTION # 2006-350

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS FOR THE  
BEACON WOODS ESTATES SUBDIVISION, BLOCK 132, LOT 20 AND  
BLOCK 153, LOT 10, BEACON HILL ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by American Dream at Marlboro, LLC, for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for the Beacon Woods Estates Subdivision, Block 132, Lot 20 and Block 153, Lot 10, Beacon Hill Road; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 15, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$44,590.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$321,035.00 and the current amount of \$97,018.56 and the Cash Bond in the original amount of \$35,670.00 and current amount of \$10,779.84 posted for the site improvements to the Beacon Woods Estates Subdivision, Block 132, Lot 20 and Block 153, Lot 10, Beacon Hill Road be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$44,590.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. American Dream at Marlboro, LLC
- b. First Indemnity of America Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. #2006-351 (Bond Release Monticello Estates) was introduced by reference, offered by Councilman Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2006-351

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE  
BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS  
FOR THE MONTICELLO ESTATES SUBDIVISION,  
BLOCK 119, LOT 32, FALSON LANE

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by K. Hovnanian at Marlboro VI, LLC, for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for the Monticello Estates Subdivision, Block 119, Lot 32, Falson Lane; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 15, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$53,662.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original amount of \$386,369.57 and the current amount of \$142,143.62 and the Cash Bond in the original amount of \$42,929.95 and current amount of \$15,793.74 posted for the site improvements to the Monticello Estates Subdivision, Block 119, Lot 32, Falson Lane be and hereby are released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$53,662.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. K. Hovnanian at Marlboro VI, LLC
- b. Fireman's Fund Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. #2006-352 (Award of Bid - Snow Plowing Sect. 4, 5, 8 & 9 - Reject & Rebid - Snow Plowing Sect. 1, 2, 3, 6 & 7) was introduced by reference, offered by Councilman Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-352

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TRIPLE C. NURSERIES FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS AND AUTHORIZING THE REBIDDING OF CERTAIN SECTIONS IDENTIFIED IN THE BID SPECIFICATIONS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of snow removal services for the Township of Marlboro Department of Public Works; and

WHEREAS, bids were accepted for the provision of such services in nine (9) different sections of the Township of Marlboro; and

WHEREAS, the bid specifications stated that the Township reserved the right to award a contract to more than one (1) bidder and reserved the option to renew any contract awarded for one (1) additional year; and

WHEREAS, two (2) bids were received as follows:

1. AKC, Inc. of 178 Highway 34 and Schanck Road, Holmdel, New Jersey 07733 for the following amounts:

Section 1 - \$1,000.00  
Section 2 - \$1,500.00  
Section 3 - \$750.00  
Section 4 - \$750.00  
Section 5 - \$750.00  
Section 6 - \$750.00  
Section 7 - \$1,000.00  
Section 8 - \$500.00  
Section 9 - \$360.00

2. Triple C. Nurseries of 489 County Road 520, Marlboro, New Jersey 07746 for the following amounts:

Section 1 - No Bid  
Section 2 - No Bid  
Section 3 - No Bid  
Section 4 - \$449.85  
Section 5 - \$479.85  
Section 6 - No Bid  
Section 7 - No Bid  
Section 8 - \$339.90  
Section 9 - \$279.90; and

WHEREAS, Administration, the Township Attorney and the Director of Public Works have reviewed the bids received and recommend that a contract for the provision of snow removal services for Sections 4, 5, 8 & 9 be awarded to Triple C.

Nurseries as the lowest qualified bidder for those Sections;  
and

WHEREAS, Administration, the Township Attorney and the Director of Public Works further recommend that the bid of AKC, Inc. for the provision of snow removal services in the remaining Sections 1, 2, 3, 6 and 7 be rejected on the basis that AKC, Inc.'s bid proposal for those Sections substantially exceeds the cost estimates for the goods and services; and

WHEREAS, the Township Council desires to accept the aforementioned recommendations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a one (1) year contract with the option to renew for one (1) additional year for the provision of snow removal services in Sections 4, 5, 8 and 9 for the Township of Marlboro Department of Public Works be and hereby is awarded to Triple C. Nurseries and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Triple C. Nurseries for the provision of said services in accordance with the bid specifications and the bid proposal submitted by Triple C. Nurseries, which is on file with the Township; and

BE IT FURTHER RESOLVED that the bid of AKC, Inc. for the provision of snow removal services in the remaining Sections 1, 2, 3, 6 and 7 be rejected on the basis that AKC, Inc.'s bid proposal for those Sections substantially exceeds the cost estimates for the goods and services; and

BE IT FURTHER RESOLVED that the Business Administrator be and hereby is authorized to again accept bid proposals for the provision of snow removal services for Sections 1, 2, 3, 6 and 7; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-01- -119-276; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Triple C. Nurseries
- b. Director of Public Works



- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP.

The following Res. #2006-353 (Authorizing Contract Deer Carcass Removal) was carried to the October 5<sup>th</sup> agenda.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor: Res. #2006-354 (Authorizing Sale of Surplus Property), Res. #2006-355 (Chapter 159 - Items of Revenue - 911 Grant Equipment and Assistance), Res. #2006-356 (Redemption Tax Sale Certs. - Various), Res. #2006-357 - Refunds for Overpayments - Various, Res. #2006-358 (Refunds to WMUA - Various), Res. #2006-359 (Disabled Person Deduction - B. 253, L. 3), Res. #2006-360 (Senior Citizen Deductions - Various).

RESOLUTION # 2006-354

A RESOLUTION AUTHORIZING THE SALE OF PERSONAL  
PROPERTY NOT NEEDED FOR PUBLIC USE

WHEREAS, the Township of Marlboro wishes to dispose of certain items of personal property which are in the Township's possession and not otherwise needed for public use; and

WHEREAS, the Business Administrator and Director of Public Works have estimated that the fair market value of the said items exceeds \$3,150.00; and

WHEREAS, N.J.S.A. 40A:11-36 requires that personal property of a municipality, not otherwise needed for public use, must be sold at public sale to the highest bidder(s), if the estimated fair market value of the property exceeds \$3,150.00 in any one sale; and

WHEREAS, notice of the date, time and place of the public sale of the aforementioned personal property of the Township of Marlboro is to be advertised in the Asbury Park Press pursuant to N.J.S.A. 40A:11-36.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. The Township is authorized to hold a public sale as advertised to dispose of the items on the attached list and such other items identified by the Business Administrator in the public notice in the Asbury Park Press, which are not otherwise needed for public use, to the highest bidder(s).
2. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Judith Tiernan, Business Administrator
  - b. Robert Holmes, Chief of Police
  - c. James Priolo, Township Engineer
  - d. Robert DiMarco, Director of Public Works
  - e. Gluck Walrath, LLP

RESOLUTION # 2006-355

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of two items of revenue in the budget of the year 2006 in the sums of \$285,894.09 and \$35,534.00 respectively, which items are now available as revenues from the New Jersey 911 Commission for improvements to Police Equipment and Communications System and, and

Section 2

BE IT FURTHER RESOLVED that the sums of \$285,894.09 and \$35,534.00 are hereby appropriated under the captions of "911 Equipment Grant" and "911 General Assistance Grant".

RESOLUTION # 2006-356

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$114,151.48 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$114,151.48 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
05-42	346/1	Berkshire Investment I, LLC	\$ 3,101.02
28 Collingwood Road		c/o Scott Borsack 13 Berkshire Drive West Windsor, NJ 08550	
06-4	123/2	Fidelity Tax, LLC	8,326.13
3 Tennent Road		P.O. Box 5707 Fort Lauderdale, FL 33310	
06-9	155/16.34	Wachovia-Cust/SASS Muni V dtr	102,075.23
120 Laredo Drive		123 S. Broad Street, PA 1328S Tax Lien Services Group Philadelphia, PA 19109	
06-22	120/20	Berkshire Investment V, LLC	649.10
58 Tennent Road		c/o Scott Borsack 13 Berkshire Drive West Windsor, NJ 08550	
TOTAL:			<u>\$114,151.48</u>

RESOLUTION # 2006-357

WHEREAS, the attached list in the amount of \$14,179.20 known as Schedule "A", is comprised of amounts representing overpayments for 2006 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
120	28	Guy Ziegenbalg	\$ 2,129.48
291 Texas Road		801 Tiller Drive Forked River, NJ 08731	
120	59.05	Hiral K. Patel	695.66
339 Texas Road		339 Texas Road Morganville, NJ 07751	
176	7 C0919	Chase Mortgage c/o	1,098.74
919 Crimson Court		First American Real Estate Attn: Refund Dept. 1 First American Way Westlake, TX 76262 Re: Vladmir Oksman	
180	23	Marc & Arleen Sternfeld	7,975.68
13 Evan Drive		13 Evan Drive Morganville, NJ 07751	
333	8	Bennett Gold	2,279.64
6 Memorial Drive		6 Memorial Drive Marlboro, NJ 07746	
TOTAL:			<u>\$14,179.20</u>

RESOLUTION # 2006-358

WHEREAS, current sewer charges totaling \$255.61 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$255.61 be refunded to the

Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#05-42	346/1	Berkshire Investment I, LLC	\$117.24
	28 Collingwood Road		
TSC#06-31	184/126	Berkshire Investment 5, LLC	8.04
	111 Valesi Drive		
TSC#06-39	300/79	Elliot Loeb-Keogh Plan	130.33
	239 Yellowknife Road		
		TOTAL:	<u>\$255.61</u>

RESOLUTION # 2006-359

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2006 for Block 288 Lot 29 C0103, located on 103 Sunnymede Street, assessed to Cathleen R. Roberts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 to the above-mentioned taxpayer.

RESOLUTION # 2006-360

WHEREAS, Senior Citizen deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
171	61	Irene C. Rzeszotarski	\$250.00
		12 Hillside Terrace	
		Morganville, NJ 07751	
288	29 C0103	Cathleen R. Roberts	250.00
		103 Sunnymede St.	
		103 Sunnymede Street	

Englishtown, NJ 07726

TOTAL: \$ 500.00

The following Res. #2006-362/Ord. #2006-32 (Amending Section 84-29B - Rezoning Certain Lots to C-4) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-362

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE C-4 REGIONAL COMMERCIAL ZONE DISTRICT

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 5, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE C-4 REGIONAL COMMERCIAL ZONE DISTRICT

WHEREAS, the premises formerly designated as Block 175, the southern portion of Lot 22, and Lots 23, 29, 30, 31, 32, 33 and 34 fronting Route 520 are consolidated as part of a fifteen-lot consolidation currently known as Block 175, Lot 14.01. The abovementioned lots are zoned OPT-2 Office-

Professional-Transitional District 2, while the remainder of Block 175, Lot 14.01 is within the C-4 Regional Commercial Zone District. Thus, Block 175, Lot 14.01 is a split-zoned lot and the pre-existing, fully conforming commercial use on-site is no longer a conforming use within the OPT-2 Zone District.

WHEREAS, the intent of this ordinance is to eliminate the split-zoned lot and mitigate potential adverse impacts caused by the non-conforming use by maintaining the pre-existing, fully conforming commercial use within the C-4 Zone District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises formerly designated as Block 175, the southern portion of Lot 22, and Lots 23, 29, 30, 31, 32, 33 and 34 from the OPT-2 Office-Professional-Transitional District 2 and so as to include said tax lots within the C-4 Regional Commercial District. Such an amendment will designate Block 175, Lot 14.01 in its entirety to the C-4 Regional Commercial Zone.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

At 11:15PM, Council President Morelli moved that the meeting go into executive session for reason of discussing namely property acquisition and contract negotiations. This was seconded by Councilman Rosenthal, and as there was no

objection, the Clerk was asked to cast one ballot. Recess was called, and the executive session commenced at 11:20PM.

## RESOLUTION # 2006-361

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 21st day of September, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation, acquisition of property and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:45PM, Council President Morelli moved that the meeting be opened. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:47PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED:           October 19, 2006

OFFERED BY: Pernice AYES: 4

SECONDED BY: Morelli NAYS: 0

ABSENT: Cantor

ALIDA DE GAETA

PATRICIA MORELLI



MUNICIPAL CLERK

COUNCIL PRESIDENT